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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,143	03/10/2004	Masashi Takehana	250083US6	2052
22850	7590	04/30/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				DANG, HUNG Q
ART UNIT		PAPER NUMBER		
2621				
			NOTIFICATION DATE	DELIVERY MODE
			04/30/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,143	TAKEHANA, MASASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	HUNG Q. DANG	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/23/2005, 03/05/2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/07/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 01/16/2008 have been fully considered but they are not persuasive.

At pages 5-8, Applicant argues that Fu et al. do not disclose the picture material switching means having a switcher function of switching and outputting multiple picture materials at an arbitrary timing. In response, the Examiner respectfully disagrees. Although Fu et al. teaches that it is a user who is operating a switcher ("Input Monitoring Mux 104" of Fig. 2A) to switch the signals, obviously the switcher shown in Fig. 2A is the picture material switching means having the described switcher function. It is also noted that claims are giving the broadest reasonable interpretation consistent with the specification. When giving its broadest interpretation, the picture material switching means can be interpreted as the operating of the switcher by the user as taught by Fu et al. Therefore, since the picture material switching means disclosed by Fu et al. has a switcher function of switching and outputting multiple picture materials at an arbitrary

timing (again because a user can manipulate the scene through selecting one of the inputs, he or she can choose to select a specific one among the inputs to be outputted in an arbitrary manner that fits his or her intention). Fu et al. do clearly and fully disclose the limitation of “the picture material switching means having a switcher function of switching and outputting multiple picture materials at an arbitrary timing.”

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fu et al. (US Patent 6,882,793).**

Regarding claim 1, Fu et al. disclose a picture material editing apparatus comprising: means for inputting multiple picture materials from multiple sources (“Input Module 102” in Fig. 2A); picture material switching means having a switcher function of switching and outputting multiple picture materials at an arbitrary timing (column 5, lines 18-33, 40-61; also see “Response to Arguments” above); and edit list creation means for creating an edit list based on a switching operation for switching the multiple picture materials with the switcher function (column 7, lines 8-11; column 19, lines 18-21).

Regarding claim 2, Fu et al. also disclose the edit list creation means creates the edit list simultaneously with the switching operation for switching the multiple picture materials by using the switcher function (column 7, lines 8-11; column 19, lines 18-21).

Regarding claim 3, Fu et al. also disclose the edit list creation means creates the edit list based on the kind of special effect specified when the picture materials are switched and various setting information is provided for the kind of special effect specified in addition to the switching operation (column 7, lines 8-11; column 19, lines 18-22).

Regarding claim 4, Fu et al. also disclose when the picture material switching means executes edit processing of connecting highlight scenes of the multiple picture materials as the switching operation, the edit list creation means creates a digest-version edit list corresponding to the edit processing (column 17, lines 20-33; column 19, lines 9-22).

Claim 5 is rejected for the same reason as discussed in claim 1 above.

Claim 6 is rejected for the same reason as discussed in claim 2 above.

Claim 7 is rejected for the same reason as discussed in claim 3 above.

Claim 8 is rejected for the same reason as discussed in claim 4 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621